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PMEX FGI EXEMPTIONS SSS-00 SS-20

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ACTION: L-0

INFO: OCT-01 EUR-20 IO-13 O-03

NSC-10 CIAE-00 INR-08 NSAE-00 RSC-01 JUS-02 H-02

CPR-02 P-03 PRS-01 USIA-12 RSR-01 /119 W

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PI 232315Z FEB 71

FM: USMISSION USUN: NEW YORKI

TO: SECSTATE WASHDC PRIORITY 4990

INFO: AMEMBASSY MOSCOW PRIORITY

LIMITED OFFICIAL USE: USUN: 523

SUBJ: JDL - SOVIET MISSION CASE OF DECEMBER 30, 1969

1. AFTER SOME THREE HOURS BEHIND CLOSED DOORS, JURY FOUND RABBI KAHANE GUILTY OF OBSTRUCTING GOVERNMENTAL ADMINISTRATION AND DISORDERLY CONDUCT. HE WAS FOUND NOT GUILTY OF RESISTING ARREST. SENTENCE WILL BE PASSED BY JUDGE ON APRIL 13 AND KAHANE IS FREE ON BAIL IN MEANTIME.

2. TESTIMONY OF GLENNON (USUN) WAS IMPORTANT IN ESTABLISHING THAT POLICE ACTED REASONABLY IN CLOSING 67TH STREET TO DEMONSTRATORS ON DECEMBER 30. PURSUANT TO INSTRUCTIONS IN STATE 29938, USUN INFORMED ADA HAYNES THAT GLENNON PREPARED TO TESTIFY THAT US MISSION REQUESTED 67TH STREET TO BE CLOSED ON THAT DATE BECAUSE OF FOUR POWER MEETING HELD ON THAT DATE. GLENNON WAS CALLED AS FINAL WITNESS ON FEBRUARY 23RD, AND DESCRIBED HIS APPROACH TO NYPD. BECAUSE OF DEFENSE OBJECTIONS, GLENNON WAS ALLOWED LITTLE LATITUDE IN TESTIMONY AND MERELY ESTABLISHED THAT THERE WERE SPECIAL SECURITY CONCERNS BECAUSE OF MEETING, INCLUDING POSSIBLE HAZARDS TO PARTICIPANTS CREATED BY HAVING DEMONSTRATORS IN IMMEDIATE VICINITY OF SMUN. ON CROSS EXAMINATION, GLENNON WAS ONLY ASKED HOW LONG MEETING LASTED. HE SAID IT BEGAN AT 3 PM AND THERE WAS NO RECORD OF WHEN IT ENDED, THOUGH SUCH MEETINGS OFTEN RAN THREE HOURS OR MORE. THERE WAS NO TESTIMONY ABOUT SOVIET THREATS TO CANCEL MEETING ON SOVIET COMPLAINTS TO US.

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THOUGH IN SUMMATION DEFENSE ATTORNEY EDELBAUM CLAIMED USG "ASHAMED" TO HAVE SOVIETS OR BIG FOUR SEE PROTESTING JEWS. IN SUMMATION FOR PEOPLE, ADA HAYNES REBUTTED THIS BY SAYING THAT STATE DEPARTMENT SHOULD NOT BE FORCED TO OBTAIN KAHANE'S APPROVAL FOR US FOREIGN POLICY.

3. USUN ALSO PROVIDED DA WITH TRANSCRIPT OF DECEMBER 31, 1969 RADIO INTERVIEW IN WHICH KAHANE ADMITTED THAT HIS GROUP CHARGED BARRICADES INTENTIONALLY ON DECEMBER 30 THUS BRINGING ON CONFRONTATION WITH POLICE. RADIO INTERVIEWER WAS SUBPOENAED AND VERIFIED TO COURT THAT KAHANE MADE THESE REMARKS.

4. FURTHER IMPETUS GIVEN PROSECUTION BY FEBRUARY 23 TESTIMONY OF SEVERAL POLICE OFFICERS WHO REBUTTED DEFENSE THESIS THAT JDL WAS DEMONSTRATING PEACEFULLY WHEN POLICE ALLEGEDLY SET UPON THEM WITH CLUBS.

5. NEVERTHELESS, OUTCOME OF TRIAL WAS A VERY NEAR THING, WITH KAHANE PUTTING UP AN ELOQUENT AND WELL-REASONED DEFENSE HEAVILY STRESSING HIS CONSTITUTIONAL RIGHTS TO DEMONSTRATE AND "ARBITRARY" NATURE OF POLICE ACTION.

6. WHATEVER SENTENCE IS EVENTUALLY HANDED DOWN IN CASE WILL NO DOUBT BE APPEALED. NEVERTHELESS VERDICT OF GUILTY MAKES IT EASIER TO CONVINCE POLICE TO BLOCK 67TH STREET TO JDL DEMONSTRATORS AND TO PERSUADE DA'S OFFICE BRING OTHER JDL CASES FORWARD FOR TRIAL. YOST

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